THE HON'LE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.9634 of 2006

DATED: 15.06.2006

Between:

Khaja Qutubuddin Khan .. PETITIONER

Versus

The Municipal Commissioner, MCH.,

Tank Bund, Hyderabad and two others.

.. RESPONDENTS

WRIT PETITION NO.9634 of 2006

ORDER:

Heard the counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the 1st respondent in not receiving and considering the application of the petitioner seeking building permission in respect of land admeasuring about 1000 sq.yards bearing H.No.10-5-5/3, situated at Masab Tank, Hyderabad, by insisting on the production of No Objection Certificate from the District Collector, Hyderabad and also in rejecting the application of the petitioner by the 2nd respondent order dated 27.1.2006 as arbitrary and contrary to law

and consequently direct the 1st respondent to receive and consider the application of the petitioner for construction of the house on the said without insisting on No Objection Certificate from the 2nd respondent and issue sanction for the construction of the building in the said premises and pass such other suitable orders.

3. The learned counsel for the petitioner placed strong reliance on the decision of this Court in HYDERABAD POTTERIES PRIVATE LIMITED vs. COLLECTOR, HYDERABAD DISTRICT AND ANOTHER[1]. In the light of the same, it is needless to say that No Objection Certificate cannot be insisted upon.

4. Be that as it may, in the facts and circumstances and also in the light of the other details mentioned in the affidavit filed in support of the Writ Petition, the Writ Petition is allowed with the following direction:

> "The 1st respondent to receive and consider the application of the petitioner seeking building permission in respect of land admeasuring about 1000 sq.yards bearing house No.10-5-53, situated at Masab Tank, Hyderabad, in accordance with law and in the light of the decision referred to supra".

There shall be no order as to costs.

15.06.2006

SSR